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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on February 28, 2006

Date of Meeting: January 24, 2006

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:33 p.m. on Tuesday, January 24, 2006, all members having been notified of the time and place thereof.

### 1. ROLL CALL

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

José J. Ibarra	Council Member Ward 1
Carol W. West	Council Member Ward 2
Karin Uhlich	Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Steve Leal	Vice-Mayor, Council Member Ward 5
Nina J. Trasoff	Council Member Ward 6
Robert E. Walkup	Mayor

Absent/Excused: None

Staff Members Present:

Mike Hein	City Manager
Michael Rankin	City Attorney
Kathleen S. Detrick	City Clerk
Mike Letcher	Deputy City Manager

## **2. INVOCATION AND PLEDGE OF ALLEGIANCE**

The invocation was given by Pastor Dan Hurlbert, Desert Skies United Methodist Church, after which the pledge of allegiance was led by Boy Scout Troop 270 and presented by the entire assembly.

## **3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Walkup announced City Manager's communication number 34, dated January 24, 2006 would be received into and made a part of the record. He also announced this was the time scheduled to allow members of the Council to report on current events and asked if there were any reports.

- a. Council Member West announced that State tax forms were available at Eastside City Hall. She also announced that the American Association of Retired Persons (AARP) would be consolidating two of their tax assistance sites into one super site located at the Udall Center, 7200 East Tanque Verde Road. Tax preparation assistance would be offered on Mondays and Wednesdays from 9:00 a.m. to 2:00 p.m., from February 1, 2006 until April 14, 2006. In addition, Council Member West invited the public to a Town Hall on Affordable Housing, at the Ward 2 Council Office, on February 8, 2006.
- b. Council Member Uhlich announced that on February 4, 2006 there would be a grand opening ceremony for the Northwest Neighborhood Center Gym located at 2160 North Sixth Avenue, honoring Richard Higginbotham. She thanked Coldwell Banker for the Fort Lowell Soccer Shootout and said it was the second largest event held in Tucson. Council Member Uhlich reminded everyone about the Ward 3 open house scheduled for January 29, 2006. Council Member Uhlich congratulated Thomas Leon, who was elected as President to the Tucson Hispanic Chamber of Commerce and Council Member Shirley Scott, who received the Annual Friends of Trails Award for her advocacy and preservation of urban trails.
- c. Council Member Trasoff welcomed her father, Victor Trasoff, to the Mayor and Council meeting.
- d. Mayor Walkup announced that on January 27, 2006, he would be giving the State of the City Address at the Tucson Convention Center and everyone was invited.

## **4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Walkup announced City Manager's communication number 35, dated January 24, 2006, would be received into and made a part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events, and asked for that report.

Mike Hein, City Manager, reported:

- a. Tickets for the Broadway musical, Disney's "The Lion King" would go on sale February 11, 2006 at the Tucson Convention Center. They were anticipating high-ticket sales for the forty-six performances scheduled from August 17, 2006 through September 24, 2006.

## **5. LIQUOR LICENSE APPLICATIONS**

Mayor Walkup announced City Manager's communication number 31, dated January 24, 2006, would be received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

### **b. Liquor License Application**

#### **New License**

1. Nonie, Ward 6  
2526 East Grant Road  
Applicant: Michael Lee Dixon  
Series 12, City 107-05  
Action must be taken by: February 13, 2006  
Staff has indicated the applicant is in compliance with city requirements.

### **c. Special Event**

1. North Fourth Avenue Merchants Association, Ward 6  
329 East Seventh Street  
Applicant: Daniel George Matlick  
City T117-05  
Date of Event: March 24,25,26, 2006  
Fundraising Civic Event  
Staff has indicated the applicant is in compliance with city requirements.
2. Tucson Metropolitan Com. Chorus dba Desert Voices, Ward 6  
738 North Fifth Avenue  
Applicant: Rebecca H. Cohen  
City T118-05  
Date of Event: February 4, 2006  
Fundraising-Silent Auction/Cabaret  
Staff has indicated the applicant is in compliance with city requirements.
3. The University of Arizona Alumni Association, Ward 6  
1303 East University Boulevard  
Applicant: Angela Christine Ballard  
City T120-05  
Date of Event: February 11, 2006  
Award Ceremony to honor U of A Alumni  
Staff has indicated the applicant is in compliance with city requirements.

d. Agent Change

1. Mariscos Playa Mazatlan, Ward 5  
4547 South Sixth Avenue  
Applicant: Elizabeth La Madrid  
City AC21-05  
Action must be taken by: February 4, 2006  
Staff has indicated the applicant is in compliance with city requirements.

It was moved by Vice Mayor Leal, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1, 5c1 through 5c3 and 5d1, to the Arizona State Liquor Board with a recommendation for approval.

**6. CONSENT AGENDA – ITEMS A THROUGH I**

Mayor Walkup announced the reports and recommendations from the City Manager on the Consent Agenda Items would be received into and made a part of the record. He asked the City Clerk to read the Consent Agenda.

- A. ASSURANCE AGREEMENT: (S05-056) JACARANDA VILLAGE CONDOMINIUMS SUBDIVISION, UNITS 1 TO 32, COMMON ELEMENTS “A”, “B”, “C”, AND “D”
  1. Report from City Manager JAN24-06-32 WARD 2
  2. Resolution No. 20268 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S05-056 of a final plat for the Jacaranda Village Condominiums Subdivision, Units 1 to 32 and Common Elements “A” – “D”; and declaring an emergency.
- B. FINAL PLAT: (S05-056) JACARANDA VILLAGE CONDOMINIUMS SUBDIVISION, UNITS 1 TO 32, COMMON ELEMENTS “A”, “B”, “C”, AND “D”
  1. Report from City Manager JAN24-06-33 WARD 2
  2. The City Manager recommends that, after approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

- C. ASSURANCE AGREEMENT: (S05-050) OUTPOST TERRACE SUBDIVISION, LOTS 1 TO 17, AN RCP PROJECT AND COMMON AREAS “A”, “B”, “C”, “D”, AND “E”
1. Report from City Manager JAN24-06-37 WARD 2
  2. Resolution No. 20270 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S05-050 of a final plat for the Outpost Terrace Subdivision, Lots 1 to 17 and Common Areas “A” – “E”; and declaring an emergency.
- D. FINAL PLAT: (S05-050) OUTPOST TERRACE SUBDIVISION, LOTS 1 TO 17, AN RCP PROJECT AND COMMON AREAS “A”, “B”, “C”, “D”, AND “E”
1. Report from City Manager JAN24-06-38 WARD 2
  2. The City Manager recommends that, after approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- E. OPTION TO PURCHASE AGREEMENT: WITH TUCSON ELECTRIC POWER FOR THE EL CAMINO DEL CERRO ELECTRICAL SUBSTATION
1. Report form City Manager JAN24-06-30 WARD 1
  2. Ordinance No. 10239 relating to real property; authorizing and approving the execution of an option to purchase agreement between the Tucson Electric Power Company and the City of Tucson regarding certain city owned real property located in the vicinity of El Camino del Cerro and Silverbell Road, and declaring an emergency.
- F. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY FOR IMPROVEMENTS TO QUINCIE DOUGLAS POOL
1. Report form City Manager JAN24-06-39 WARD 5
  2. Resolution No. 20272 relating to Intergovernmental Agreements; approving and authorizing the Amendment to an Intergovernmental Agreement between the City of Tucson and Pima County for improvements to Quincie Douglas Pool; and declaring an emergency.

G. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR COLUMBUS PARK IMPROVEMENTS

1. Report from City Manager JAN24-06-41 WARD 1
2. Resolution No. 20271 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and Pima County for Columbus Park Improvements; and declaring an emergency.

H. APPROVAL OF MINUTES

1. Report from City Manager JAN24-06-46 CITY-WIDE
2. Approval of minutes for the regular meeting of the Mayor and Council held on December 20, 2005.

I. TUCSON CODE: CHAPTER 7, TECHNICAL AMENDMENTS TO THE ICE CREAM VENDOR ORDINANCE

1. Report from City Manager JAN24-06-40 CITY WIDE
2. Ordinance No. 10244 relating to business licenses; making technical amendments to Tucson Code Section 7-491(e) relating to criminal background checks; amending Ordinance No. 10236 to delay the effective dates of the implementation of the Ice Cream Vendor Ordinance; and declaring an emergency.

Kathleen S. Detrick, City Clerk, announced Susie Rogers would be assisting with anyone in the audience needing Spanish language translation for items listed on the agenda.

It was moved by Council Member Trasoff, duly seconded, that Consent Agenda Items A through I, be passed and adopted and the proper action taken.

Mayor Walkup asked if there was further discussion. Upon hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Uhlich, Scott, and Trasoff;  
Vice Mayor Leal and Mayor Walkup

Nay: None

Consent Agenda Items A through I were declared passed and adopted by a roll call vote of 7 to 0.

**7. CALL TO THE AUDIENCE**

Mayor Walkup announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except items scheduled for a public hearing on the agenda. Speakers would be limited to three-minute presentations and the Call to the Audience was scheduled to last for fifteen minutes. He asked if there was anyone in the audience who wished to address the Council.

- a. Michael Toney spoke about the University of Arizona Science Center and the studies presented at the Rio Nuevo meeting. He also spoke about the population growth rate and the effect on water supply. Furthermore, he stated that the cut to the CDBG budget by the Federal Government did not mean the City budget for this program should be cut.

**8. ZONING: (C9-02-12) OCHOA – ST. MARY’S ROAD R-2 TO O-2, ORDINANCE ADOPTION**

Mayor Walkup announced City Manager’s communication number 42, dated January 24, 2006 would be received into and made a part of the record. He asked the City Clerk to read Ordinance 10240, by number and title only.

Ordinance No. 10240 relating to zoning: amending zoning district boundaries in the area located at the Northeast corner of St. Mary’s Road and Westmoreland Avenue in Case C9-02-12, Ochoa-St. Mary’s Road, R-2 to O-2; and setting an effective date.

It was moved by Council Member Ibarra, duly seconded, to pass and adopt Ordinance 10240.

Mayor Walkup asked if there was any further discussion. Upon hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Uhlich, Scott and Trasoff;  
Vice Mayor Leal and Mayor Walkup

Nay: None

Ordinance 10240 was declared passed and adopted by a roll call vote of 7 to 0.

**9. ZONING: (C9-04-11) LANDMARK SERIES 1-FIRST AVENUE, MH-1 TO C-1, ORDINANCE ADOPTION**

Mayor Walkup announced City Manager's communication number 45, dated January 24, 2006, would be received into and made a part of the record. He asked the City Clerk to read Ordinance 10241, by number and title only.

Ordinance 10241 relating to zoning: amending zoning district boundaries in the area located at the northeast corner of First Avenue and Limberlost Drive in Case C9-04-11 – Landmark Series 1 – First Avenue, MH-1 to C-1; and setting an effective date.

Council Member Uhlich stated she was going to move for approval but she wanted to give the developer and community an opportunity to speak.

Carrie Sylvan, representing Continental Properties, said they worked very closely with the neighbors on the zoning case, which was in conjunction with the next case on the Mayor and Council agenda. They were very happy with the way the zoning had proceeded. She said she was available for any questions the Mayor and Council had.

Bonnie Poulos, representing the Campus Farm Neighborhood Association, concurred with Ms. Sylvan's comments. She said the developers worked very closely with her neighborhood, as well as with the Limberlost and Amphi neighborhoods, to try to reach a development plan for the parcel and the parcel to the north, which was next on the Council's agenda.

Ms. Poulos commented that when the case first came before the Zoning Examiner, a letter was written by Roger Rosecrantz, one of the neighbors on the neighborhood's steering committee. Mr. Rosecrantz was very concerned about the traffic. Ms. Poulos pointed out that the development was projected to generate over seventeen hundred additional trips on First Avenue. One of the attachments on the Council's next item was a transportation information report that indicated that currently, First Avenue at Wetmore was operating almost twenty-five percent over capacity, at a level of service "E"; and that there were no transportation improvements planned. There were none in the proposed plan by the citizens' group, nor were there any in the City's transportation plan, and the future daily volume was going to be probably two times over the daily capacity of First Avenue. She also pointed out that without commercial impact fees and without a real plan for dealing with traffic, it would only get worse when projects were approved without considering the transportation impacts on the community. Ms. Poulos concluded by stating they supported the rezoning, along with the next rezoning request on the Council's agenda.

Council Member Uhlich asked for clarification from the Director of Development Services. Given the adoption of accelerated schedules for commercial impact fees, would the project be subject to the new schedule?



Ernie Duarte, Development Services Director, replied that was correct, given the direction they received from Council. He stated the item before the Council was the actual ordinance adoption, which meant their development plan had already been approved by staff and was up for consideration of ordinance adoption.

It was moved by Council Member Uhlich, duly seconded, to approve the request as recommended by staff, and pass and adopt Ordinance 10241.

Council Member Uhlich complimented the developer and the efforts on the part of the neighborhoods associated with the project, stating a lot of time and energy was put into coming up with a meaningful plan and agreement on the development. The current Mayor and Council's move to accelerate the collection of commercial impact fees was really in response to the concerns they raised. She stated they really needed to be put into place and was pleased the Council moved to accelerate that schedule.

Mayor Walkup asked if there was any further discussion. Upon hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Uhlich, Scott and Trasoff;  
Vice Mayor Leal and Mayor Walkup

Nay: None

Ordinance 10241 was declared passed and adopted by a roll call vote of 7 to 0.

**10. ZONING: (C9-05-26) CONTINENTAL 61 FUND – 1<sup>ST</sup> AVENUE, MH-1 TO C-1 AND C-2, CITY MANAGER'S REPORT, ORDINANCE ADOPTION**

Mayor Walkup announced City Manager's communication number 43, dated January 24, 2006, would be received into and made a part of the record. He asked the City Clerk to read Ordinance 10243, by number and title only.

Ordinance 10243 relating to zoning: amending zoning district boundaries in the area located on the east side of 1<sup>st</sup> Avenue approximately 600 feet north of Limberlost Road, in Case C9-05-26, Continental 61 Fund – 1<sup>st</sup> Avenue, MH-1 to C-1 and C-2; and setting an effective date.

Council Member Uhlich stated the rezoning was an associated development with Item 9: Zoning: (C9-04-11) Landmark Series 1-First Avenue, Mh-1 To C-1, Ordinance Adoption.

It was moved by Council Member Uhlich, duly seconded, to approve the request as recommended by staff, and pass and adopt Ordinance 10243.

Mayor Walkup asked if there was any further discussion. Upon hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Uhlich, Scott and Trasoff;  
Vice Mayor Leal and Mayor Walkup

Nay: None

Ordinance 10243 was declared passed and adopted by a roll call vote of 7 to 0.

**11. ZONING: (SE-05-23) JDL – LITTLETOWN ROAD, I-2 ZONING, SPECIAL EXCEPTION LAND USE, ORDINANCE ADOPTION, CITY MANAGER’S REPORT**

Mayor Walkup announced City Manager’s communication number 44, dated January 24, 2006, would be received into and made a part of the record. He also announced this was a Special Exception Land Use request for property located on Littletown Road and Wilmot Road. The Zoning Examiner and Development Services recommended approval subject to certain conditions.

Mayor Walkup asked if the applicant or representative was present and if they were aware of and agreeable to the proposed requirements.

Robert Conant, of Planning Resources, stated they were aware of and agreeable to the proposed requirements.

Mayor Walkup asked the City Clerk to read Ordinance 10242, by number and title only.

Ordinance No. 10242 relating to zoning: a special exception land use – primary manufacturing use to JDL Littletown Road – approving with conditions the development of a primary manufacturing use in the I-2 zone – Case SE-05-23; and setting an effective date.

It was moved by Council Member Scott, duly seconded, to pass and adopt Ordinance 10242.

Mayor Walkup asked if there was any further discussion. Upon hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Uhlich, Scott and Trasoff;  
Vice Mayor Leal and Mayor Walkup

Nay: None

Ordinance 10242 was declared passed and adopted by a roll call vote of 7 to 0.

**12. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS**

Mayor Walkup announced City Manager's Communication number 36, dated January 24, 2006, would be received into and made a part of the record. He asked for the motion to approve appointments.

It was moved by Council Member West, duly seconded, and carried by a voice vote of 7 to 0, that Bertie Lozano be appointed to the Tucson Human Relations Commission.

Mayor Walkup asked if there were any personal appointments to be made.

Council Member Uhlich announced her personal appointments of Daniel Benavidez to the Planning Commission and Elizabeth Przygoda to the Board of Adjustment.

**13. ADJOURNMENT 5:50 p.m.**

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, February 7, 2006, at 5:30 p.m. in the Mayor and Council Chambers in City Hall, 255 West Alameda, Tucson, Arizona.

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MAYOR

ATTEST:

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CITY CLERK

# CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 24<sup>th</sup> day of January 2006, and do hereby certify that it is an accurate transcription.

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DEPUTY CITY CLERK

KSD:bt/sc